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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,469	06/23/2003	Robert D. Foxwell	51449-00401	7228

30638 7590 01/03/2005  
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EXAMINER

VASUDEVA, AJAY

ART UNIT PAPER NUMBER

3617

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/601,469

**Applicant(s)**

FOXWELL, ROBERT D.

**Examiner**

Ajay Vasudeva

**Art Unit**

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. The Office has withdrawn the restriction requirement of 12/01/2004. In view of the second preliminary amendment received after the mailing of the restriction requirement, all claims in the application are now being examined on merits. See attached interview summary.

### *Specification*

2. On page 1 (line 3), after "application 10/017,846, filed 11/30/2001", insert -- , now US Patent 6,592,291 --.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Urbank (US 5,133,571 A).

Urbank shows a boat ramp having a ladder-style frame with elongate side rails, a front end cross support beam, and a middle cross support to maintain the side rails in parallel conditions (see figure 2). At least four roller assemblies are mounted to project up from each side rail in a pivotable orientation. An upstanding beam is mounted on the front end cross support beam. Although not shown in the drawing, Urbank teach a provision of a winch mounted on the upstanding beam (column 3, lines 24-25).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over France 2558118 A1 (FR '118) in view of Carrick (US 5,255,933 A).

FR ('118) shows a boat ramp having a ladder-style frame with elongate side rails [5, 6], a plurality of cross support beams [9] to maintain the side rails in parallel conditions, a water-end keel roller [13] mounted on a keel roller bracket [7, 8] (*see figure 2*). A ladder-style frame has been interpreted to mean such type of frame that has at least two side rails -- as in a ladder --, the rails not necessarily being parallel to each other.

A winch assembly comprising rails [1] and a winch is mounted on the side rails at a shore end of the ramp, the shore end of the ramp being interpreted as the ramp portion that is disposed in front of the phantom line (dash line) depicted by numeral 4 in figure 1.

The rails and cross support beams are attached with brackets [27, 28] having bolts (*see figures 4, 5 and 6*), and are therefore considered removably attached. At least six hull roller assemblies comprising rollers and transversely oriented axles are mounted on the side rails, of which at least four roller assemblies [12] at the water end are disposed in a pivotal fashion.

Art Unit: 3617

At least the abstract of FR ('118) is silent on all roller assemblies being pivotably mounted on the side rails. Therefore, until a translation becomes available, it appears that the FR ('118) does not show at least six roller assemblies being pivotably mounted on the side rails.

Carrick ('933) shows a boat ramp, having pivotably mounted roller assemblies.

It would have been obvious for one skilled in the art at the time of the invention to make all roller assemblies of FR ('118) as pivotably mounted, as taught by Carrick ('933). Having such roller assemblies would have allowed the rollers to orient in accordance with any cross sectional shape of hull, thereby evenly distributing a load of a hull of non-uniform shape, as well as accommodating hulls of different sizes and shapes.

Further, although the axial length of the keel roller has not been disclosed as being greater than 6 inches, it would have been obvious for one skilled in the art to make it as such so that keels of various width could be easily accommodated for loading on the ramp.

In the preamble of claims 1 and 2, regarding the limitations:

- "boat ramp made of components conveniently assembled by a customer-user from an unassembled compactly packaged condition" and
- "compactly packaged unassembled components for convenient assembly by a customer-user to form a boat ramp",

because the ramp components are considered removably attached, one could easily disassemble the ramp for a compact storage. If one were to reassemble the same at a later time of use, the above limitations would be satisfied.

Additionally, the applicant may note that even an assembly-line production of the ramp -- where all components are organized together at one location for assembly -- would satisfy the above highlighted limitations.

***Allowable Subject Matter***

7. Claim 3 is allowed.

***Examiner's Observations***

8. The following are certain observations/interpretations, which will be applied to any future determination of the allowability of the claims:

- The claims recite the roller axles as being mounted in a "pivotal elevated transverse orientation", which is interpreted to mean that the transversely oriented axles may be pivotable in any direction, and not limited for pivoting in a transverse direction.
- Claim 1 recites the winch assembly as being mounted on the side rails, and not limited for mounting on the cross support beams.
- Claim 4 recites the hull roller assemblies to be mounted so as to project above the side rails, but not necessarily as being mounted on the side rails.

***Conclusion***

9. The prior art made of record in the attached PTO Form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.

Art Unit: 3617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AV

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